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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,224	11/16/2003	Jaclyn Michelle Willner		5023

7590 06/08/2006
Kerren Willner
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Manhasset, NY 11030

EXAMINER
EPPS, TODD MICHAEL

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/715,224	Applicant(s) WILLNER ET AL.	
	Examiner Todd M. Epps	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/14/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/05</u> and <u>4/11/05</u> | 6) <input type="checkbox"/> Other: _____ |

This is the second Office Action **final** for serial number 10/715,224, Sheet Music Stand Helper, filed on November 16, 2003.

Claims Cancellation

Claims 1-17 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,356,109 to Biasini in view of U.S. Patent No. 5,413,305 to Leeb, and further in view of U.S. Patent No. 2,808,908 to Lykes.

Biasini '109 discloses a removable device (10) adapted to be mounted to a conventional music stand to hold sheet to the front of the vertical panel of the stand and to hold additional sheet to the back of the stand with the following components: a downwardly open sleeve portion adapted to fit over the entire vertical panel of the music stand, leaving exposed the support flange of the music stand, where the front face of the sleeve lays flat against the front of the vertical panel of the stand and the back face of the sleeve lays across the music stand supporting column, and attaches to the front face of the sleeve at the top, left and right edges of the vertical panel of the stand..

However, Biasini '109 fails to disclose an upwardly open pocket attached to the back face of the sleeve portion and an upwardly open transparent pocket attached to the front face of the sleeve portion. Nevertheless, Leeb '305 discloses an upwardly open pocket attached to the back face of the sleeve portion and an upwardly open transparent pocket attached to the front face of the sleeve portion; and to hold sheet to the front of the vertical panel of the stand and to hold additional sheet to the back of the stand. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the sleeve portion of Biasini '109 with the sleeve portions and two open pockets attached to both ends of the sleeve as taught by Leeb '305 wherein doing so would provide thereof for additional support to carry multiple articles and additional space to store the articles when not in use.

Further, Biasini '109 in view of Leeb '305 fails to disclose a vertical strap attached to the front face of the sleeve and at the sleeve's top and bottom. Attention is directed to Lykes '908 reference, which discloses a vertical strap attached to the front face of the sleeve and at the sleeve's top and bottom. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the sleeve portion of Biasini '109 in view of Leeb '305 to have incorporated a vertical strap as taught by Lykes '908 for providing an alternate means for securing sheet material.

Claims 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biasini '109 in view of Leeb '305, in further view of Lykes '908, and in further view of U.S. Patent No. 6,270,050 to Friedrich.

Biasini '109 in view of Leeb '305, and in further view of Lykes '908 teaches the limitation of the base claim, excluding a strip of fabric to muffle snapping sound should the vertical strap be snapped. Nevertheless, Friedrich '050 teaches a strip of fabric. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the sleeve portion of Biasini '109 in view of Leeb '305, and in further view of Lykes '908 to have incorporated a strip of fabric as taught by Friedrich '050 for purpose to muffle snapping sound on the sleeve portion.

Response to Arguments

Applicant's arguments with respect to claims 18-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd M. Epps
Patent Examiner
Art Unit 3632
June 5, 2006

Joey Wujciak
Primary Examiner
Art Unit 3632

